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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/435,736	11/08/1999	ARTHUR REISMAN	REI*1/LUC-16	5609

7590 08/13/2003

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CHICAGO, IL 60606

EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2132

2

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PPG

Office Action Summary	Application No.	Appli ant(s)	
	09/435,736	REISMAN, ARTHUR	
	Examiner	Art Unit	
	Minh Dieu Nguyen	2132	

-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 November 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "110" and "104" have both been used to designate the same element, the same is applied to characters "106", "102" and "108", "102" in Fig. 1 and characters "202", "206" in Fig. 2. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The informal drawings are not of sufficient quality to permit examination. Accordingly, new drawings are required in reply to this Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent 5,671,279 by Elgamal.

a) In refer to claim 1, Elgamal shows a two way communications between customer and merchant.

First computing device – customer (col. 3, line 39).

Second computing device – merchant (col. 3, line 40).

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The first computing device communicates encrypted data to the second computing device as the customer sends a purchase request message to the merchant in which the payment method is encrypted (col. 9, line 30-33).

The first computing device communicates non-encrypted data to the second computing device as the customer sends a purchase request message to the merchant in which the name, items to order, shipping address, etc. (col. 9, line 61-66) are not encrypted.

b) In refer to claims 2, 3, 16 and 17, Elgamal discloses the encrypted and non-encrypted data are transmitted in the same packet or in a different packet (col. 35, line 20-29).

c) In refer to claims 4, 5 and 11, Elgamal indicates the same path is used for encrypted and non-encrypted data communications between customer and merchant. Moreover the system is designed to use the interactive model of the WWW for client server transactions on the Internet (col. 3, line 26-58).

d) In refer to claim 6, Elgamal shows payment instruction (PI) is encrypted by a key (col. 20, lines 56-58).

e) In refer to claim 7, Elgamal shows merchant certificate is communicated to the customer as part of the signature (col. 19, line 35-40).

f) In refer to claims 8 and 9, Elgamal further shows a second key is employed to decrypt the payment instruction; the first and second key comprised a matched key to communicate the encrypted data (col. 30, line 56-64).

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g) In refer to claims 10, Elgamal teaches the step of communicating a procedure from the merchant to the customer to communicate the encrypted data (col. 19, line 35-39).

h) In refer to claims 13 and 14, Elgamal discloses the step for customer to communicate the encrypted and non-encrypted data with the merchant through the purchase request message in which the payment method is encrypted and item list and shipping information are non-encrypted (col. 24, line 29 to col. 25, line 4)

i) In refer to claim 15, Elgamal shows a two way communications between customer and merchant.

First computing device – merchant and acquirer (col. 3, line 40-41).

Second computing device – customer (col. 3, line 39).

Merchant communicates information – a purchase form - to customer in response to a purchase request message from customer. The information includes a procedure that causes customer to fill out the purchase form with only the payment instruction field encrypted and the rest of the form filled with non-encrypted data (col. 35, line 20-29).

The merchant receives the purchase form from the customer with encrypted payment instruction along with the non-encrypted data, the merchant then passes on the information to the acquirer to decrypt the payment instruction (col. 30, line 56-62).

j) In refer to claims 18, 19 and 24, Elgamal indicates the same path is used for encrypted and non-encrypted data communications between customer and merchant.

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Moreover the system is designed to use the interactive model of the WWW for client server transactions on the Internet (col. 3, line 26-58).

k) In refer to claim 20, Elgamal shows payment instruction (PI) is encrypted by a key (col. 20, lines 56-58).

l) In refer to claims 21 and 22, Elgamal further shows a second key is employed to decrypt the payment instruction; the first and second key comprised a matched key to communicate the encrypted data (col. 30, line 56-64).

m) In refer to claim 23, Elgamal indicates the step of communicating a procedure from the customer to the merchant to communicate the encrypted data (col. 19, line 50-52).

n) In refer to claims 26 and 27, Elgamal discloses the step for customer to communicate the encrypted and non-encrypted data with the merchant through the purchase request message in which the payment method is encrypted and item list and shipping information are non-encrypted (col. 24, line 29 to col. 25, line 4).

o) In refer to claim 28, it has the same limitations as claim 15, further the computer readable program code reads on any matter for carrying software.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 12 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elgamal as applied to claims 10 and 15 above, and further in view of US Patent 5,729,594 to Klingman.

Elgamal does not disclose the procedure is based on substantially lowest common denominator Java.

Klingman teaches JAVA is the most platform independent language designed for the Internet applications (col. 17, line 63-67 and col. 19, line 46-54).

It would have been obvious to one skilled in the art at the time the invention was made to modify Elgamal by supporting JAVA as taught in Klingman. One of ordinary skilled in the art would have been motivated to modify Elgamal to support JAVA because it's the most platform independent language designed for the Internet applications.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Allen, US Patent 6,041,316, discloses Method and System for Ensuring Royalty Payments for Data Delivered Over a Network.

b. Chang et al, US patent 6,105,012, discloses Security System and Method for Financial Institution Server and Client Web Browser.

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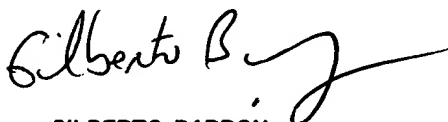
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 703-305-9727. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 703-305-1830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7238 for regular communications and 703-746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

mdn
Minh Dieu Nguyen
Examiner
Art Unit 2132

mdn
August 4, 2003


GILBERTO BARRON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100